

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | |
| |) | |
| Tadashi MITSUI |) | |
| |) | Group Art Unit: |
| Application No.: Not Yet Assigned |) | |
| |) | Examiner: |
| Filed: March 24, 2004 |) | |
| |) | |
| For: PATTERN MEASURING |) | |
| APPARATUS, PATTERN |) | |
| MEASURING METHOD, AND |) | |
| MANUFACTURING METHOD |) | |
| OF SEMICONDUCTOR |) | |
| DEVICE |) | |

MAIL STOP PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§1.56 and 1.97(b), applicant brings to the Examiner's attention the documents listed on attached Form PTO-1449. Copies of the listed documents are attached. Applicant respectfully requests that the Examiner consider the documents listed on attached Form PTO-1449 and indicate that they were considered by making an appropriate notation on this form.

This Information Disclosure Statement is being filed with the above-referenced application.

The following is a concise statement of relevance of the non-English language documents:

1. Japanese Patent Laid Open No. 2002-244029 discloses an approach to detect a focus adjustment of SEM images, by using differential image processing to detect focal status.

An English language abstract of this document is enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 24, 2004

By: 

Richard V. Burgujian
Reg. No. 61,744

Enclosures
RVB/FPD/gah

INFORMATION DISCLOSURE CITATION

| | |
|-----------------------------|-----------------|
| Atty. Docket No. 02887.0270 | Application No. |
| Applicant Tadashi MITSUI | |
| Filing Date March 24, 2004 | Group: |

U.S. PATENT DOCUMENTS

| Examiner Initial* | Document Number | Issue Date | Name | Class | Sub Class | Filing Date If Appropriate |
|-------------------|-----------------|------------|------|-------|-----------|----------------------------|
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FOREIGN PATENT DOCUMENTS

| Document Number | Publication Date | Country | Class | Sub Class | Translation Yes or No |
|-----------------|------------------|---------|-------|-----------|-----------------------|
| 2002-244029 | 08/28/2002 | Japan | | | Abstract |
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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| Mitsui; "PATTERN EVALUATION SYSTEM, PATTERN EVALUATION METHOD AND PROGRAM"; U.S. Patent Application No. 10/252,521, filed September 24, 2002 |
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|---|---|
| Examiner | Date Considered |
| *Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | |
| Form PTO 1449 | Patent and Trademark Office - U.S. Department of Commerce |